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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,577	01/10/2007	Fabrice Pinard	294013US6PCT	2725
22850	7590	08/31/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER	
			CHIMIAK, EMILY ANN	
			ART UNIT	PAPER NUMBER
			1733	
			NOTIFICATION DATE	DELIVERY MODE
			08/31/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/589,577	Applicant(s) PINARD, FABRICE	
	Examiner Emily Chimiak	Art Unit 1733	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 5-14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-14 have not been further treated on the merits.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenji et al. (see the machine translation or JP 06-218875) in view of Ito et al. (US 5329799).

As to claim 1, Kenji et al. teaches laminating a polymeric film that is 0.1 mm thick [0037]. Kenji et al. teaches that in general, the thickness of the invention film is between 5 and

Art Unit: 1733

250 micrometers without consideration for the thickness of the steel plate (see [0010] and [0011] of the machine translation).

Although Kenji et al. discloses using a punch and die to draw the steel in order to form a can in one embodiment, he does not disclose either using a blank holder in the drawing tool or a material passage that follows the formula  $E - 0.8 \times E_p \leq P_m \leq E$  (see [0001] [0015] and [0037] of the machine translation). However, Ito et al. discloses a pushing punch 10, die 12, and ironing punch 24 (blank holder) in order to mold a can from a sheet-like blank wherein the reduction ratio in wall thickness is "considerably close to zero" ( $E - 0.8 \times E_p \leq P_m \leq E$ ) in order to prevent the aging crack of the ironed workpiece, to provide uniformity in the wall thickness of the tubular portion, to prevent the formation of an internal space left between the inner and outer corner surfaces of the ironed workpiece and the ironing punch, and to increase the service life of the lubricant used between the inner die hole surface and the outer workpiece surface (col. 1 lines 8-11, col. 32 line 59-col. 33 line 8). It would have been obvious to one of ordinary skill in the art to use the apparatus and method of using the apparatus disclosed by Ito et al. when draw ironing the sheet blank disclosed by Kenji et al. in order to provide better uniformity in wall thickness of the tubular portion and prevent the aging crack.

As to claim 2, Kenji et al. discloses that the film presented in the invention can be used for the inside and outside covering of a metal can and in one embodiment both sides of the steel plate are coated, i.e. the punch will be in direct contact with a coated side (see the machine translation [0005] and [0021]).

As to claim 3, in the embodiment wherein only one side of the steel plate is coated and the coating is an outside covering, the punch as used in the backward ironing process disclosed

Art Unit: 1733

by Ito et al. will contact the side of the sheet blank that is not coated with the adhesive polymer film (the inside). See the machine translation of Kenji et al. [0005] and [0021] and col. 1 lines 19-21 and col. 3 line 65-col. 4 line 2 of Ito et al.

As to claim 4, the thickness of the steel plate disclosed in Kenji et al. is less than 0.5 mm (see the rejection of claim 1).

### *Conclusion*

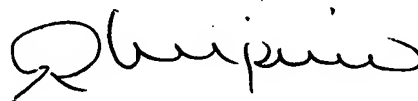
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Emily Chimiak** whose telephone number is **(571)272-6486**. The examiner can normally be reached on Monday-Friday 8:30-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)272-6486. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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